

Election Statute Navigator: Rhode Island

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/rhode-island/covid/#tracker>.

Voter Registration

- Voter permitted to register up to and including Election Day (aka Same Day Registration)
See § 17-1-3
 - NOTE: Only available to register to vote on the same day for electors for President and Vice President; anyone registering on that day may only vote for that office and no others
- Voters (other than above) register prior to Election Day § 17-1-3
 - Deadlines: 30 days before election
- Online registration available § 17-9.1-34
- Registration via mail available § 17-9.1-9
- In-Person registration available
 - Department of Motor Vehicles § 17-9.1-7
 - Other Designated Agencies § 17-9.1-8
 - High Schools (once/year) § 17-9.1-4.1
- Automatic Voter Registration § 17.9.1-7
 - Participating Agencies: Department of Motor Vehicles
- Preregistration allowed § 17-9.1-33
 - Must be at least 16 years old to preregister
 - If 17 years old and will be 18 by next election, voter may register
- Residency requirement § 17-1-3.1
- Prior conviction eligibility – See state code for specifics § 17-9.2-3
 - Right to vote is permanently lost in cases of fraudulent voting (§ 17-23-4), bribery or intimidation of voters (§ 17-23-5), or improper influence by employers (§ 17-23-6)
- Voters judged mentally incompetent or under guardianship for a mental disability cannot vote
 - See **R.I. CONST. art. 2, § 1; R.I. GEN. LAWS § 40.1-5-24.5-5**
 - *But see* § 40.1-5-5(f)(10)
 - See generally § 17-1-2(13)
- Voter list maintenance guidelines – § 17-9.1-26; § 17-9.1-27; § 17-10-1; § 17-10-8

State Absentee, Early, and Mail Voting

- No-excuse absentee voting **§ 17-20-2**
 - RI lists excuses to vote absentee, but specifies “No specific reason necessary”
- Listed excuses to vote absentee **§ 17-20-2**
- Absentee ballot application is verified **§ 17-20-2.1; § 17-20-10**
- Permanent absentee voting options
 - Permanently disabled and incapacitated voters **§ 17-20-9**
 - Members of the armed forces in active service **§ 17-20-9.1**
 - Civilian employed by federal government outside the United States – **§ 17-20-9.3**
- Removal from permanent absentee list
 - See statutes for specific types of permanent absentee voters above
- Notary or witness signatures required on return envelope **§ 17-20-21**
- Absentee ballot verification details **§ 17-20-26**
- State allows voters to correct signature discrepancies **§ 17-20-26**
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter
 - See **§ 17-20-23** - it states that the voter must “cause” the ballot to be delivered, but does not say the voter must deliver or mail it, nor does it permit anyone else to
- Deadline by which election official must receive absentee/mailed ballots **§ 17-20-8**
 - 8pm on election day
- State is required to provide secrecy sleeve for absentee/mail ballot **§ 17-20-12** (envelope required)
- Absentee/Mail ballot processing and counting procedures **§ 17-20-26; § 17-22-1**
- Absentee ballots are reported separately from precinct totals **§ 17-20-26**
 - Counted centrally, but reported by election district
- Spoiling/Replacement/Correction ballot restrictions
 - Irregularities that may or may not spoil ballot **§ 17-20-24; § 17-20-24.1; § 17-20-33**

In-Person Voter ID

- Photo ID not required **§ 17-19-24.2** (ID required, but does not need to have a photo)
- Options for voters without ID **§ 17-19-24.3**
 - Provisional ballot

Provisional Voting

- Provisional ballot availability **§ 17-19-24.3**
- Time allotted to determine the status of provisional ballot
 - 48 Hours (per RI elections [website](#))
- Provisional ballot rejection reasons: (per this [cite](#)) (NOTE: the link they provide does not work and there is no statute stating this)

- Voter not registered or in the wrong congressional district
- Signature on latest voter reg. form on record does not match signature on provisional ballot application
- Signature on latest voter reg. form on record does not match signature on provisional ballot application and voter has not submitted valid ID by 4 p.m. day following election
- The individual has cast a mail ballot, emergency ballot or military ballot in the same election
- Method for informing voters whether provisional vote was counted
 - This [website](#)

Polling Place

- Polling Place availability and requirements **§ 17-19-3.2; § 17-19-21(A)**
- Electioneering or campaigning must not be closer than 50 feet to the entrance of the polling place **[410-RICR-20-00-12.6](#)**
- Rules governing poll observers **§ 17-19-21(B); § 17-19-22; § 17-15-13** (for primaries); **§ 17-22-2** (during counting)
- Poll watcher qualifications **§ 17-19-22**
- National Guard permitted to step in as poll workers
 - Qualifications and disqualifiers say nothing about National Guard
 - Qualifications **§ 17-11-12**
 - Disqualifying Factors **§ 17-11-15**
- Police presence **§ 17-19-21(C)**
- Firearms prohibitions in election code (other state laws may apply)
 - No statutes, but administrative regulations apply (see this [website](#))
- Photography restrictions
 - You can take photos of your ballot, but not the ballots of others (see this [website](#))

State Emergency Rules and How Elections are Affected

- Governor has authority to set rules and procedures **§ 30-15-9(e)**
- Listed triggers for Emergency Rules **§ 30-15-9(b)**
 - Declaration of State of Emergency by Governor
- Other:
 - For personal emergencies that make a voter require a mail ballot fewer than 20 days before the election, see **§ 17-20-2.2; § 17-20-13.1**

Counting Rules

- Voting system requirements **§ 17-19-3**

- Counting procedures § 17-19-32; § 17-19-33; § 17-19-37

Contest/Protest, Recount Rules

- Candidate protesting § 17-15-34
 - Regarding primaries
- Challenging a voter
 - Registration § 17-9.1-28
 - Voter § 17-19-27
 - Mail Votes § 17-20-10(g); § 17-20-26(e)
- Contest/Protest recount § 17-19-37.1
 - Triggers depend on type of race; see statute